

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

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In re:

**TAMARA LEIGH HANSBROUGH,**

Bankruptcy Case No.: 09-82314

Soc. Sec. No. xxx-xx-6898

Chapter 7

Mailing Address: 2 Abernathy St., Chapel Hill, NC 27517-

Debtor.

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**LISA FRITZ,**

Plaintiff,

v.

A.P. No.: 10-9041

**TAMARA LEIGH HANSBROUGH,**

Defendant

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**ANSWER TO COMPLAINT OBJECTING TO DISCHARGEABILITY OF  
INDEBTEDNESS**

**NOW COMES** the Defendant, Tamara Leigh Hansbrough, by and through Counsel, answering the Complaint filed in this proceeding as follows:

1. Defendant admits the allegations contained in Paragraph 1 of the Complaint.
2. Defendant admits the allegations contained in Paragraph 2 of the Complaint.
3. Defendant admits the allegations contained in Paragraph 3 of the Complaint.
4. Defendant is without sufficient knowledge to admit or deny the allegations contained in Paragraph 4 of the Complaint and therefore denies those allegations.
5. Defendant denies the allegations contained in Paragraph 5 of the Complaint.
6. Defendant denies the allegations contained in Paragraph 6 of the Complaint.
7. Defendant denies the allegations contained in Paragraph 7 of the Complaint.
8. Defendant denies the allegations contained in Paragraph 8 of the Complaint.

9. Defendant denies the allegations contained in Paragraph 9 of the Complaint.
10. Defendant denies the allegations contained in Paragraph 10 of the Complaint.
11. Defendant admits the allegations contained in Paragraph 11 of the Complaint.
12. Defendant admits the allegations contained in Paragraph 12 of the Complaint.
13. Defendant denies the allegations contained in Paragraph 13 of the Complaint.
14. Defendant denies the allegations contained in Paragraph 14 of the Complaint.

**AFFIRMATIVE DEFENSES:**

1. Plaintiff's Complaint fails to state a claim upon which relief can be granted in that it fails to recite any facts demonstrating the elements of 11 U.S.C. §523 (a)(6), namely that the Defendant willfully and maliciously intended to injure the Plaintiff. *See In re Duncan*, 448 F.3d 725 (4th Cir. 2006).
2. To the limited extent that Plaintiff's complaint contains allegations of willful and malicious conduct by the Defendant against the Plaintiff, those allegations are conclusory in nature, lack factual basis, and fail to meet the heightened pleading standards set forth in *Bell Atl. Corp. v. Twombly*, 127 S. Ct. 1955 (2007), and *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009).

**PRAYER FOR RELIEF:**

WHEREFORE, having fully answered the Complaint, the Defendant prays the Court as follows:

1. That the Complaint be dismissed with prejudice;
2. An Order determining that the debt that is the subject of Plaintiff's Complaint is deemed dischargeable;
3. That the Defendant's costs in defending this action be taxed against Plaintiff;

4. For such and further relief as the Court may deem just and proper.

Dated: 5/28/2010

The Law Offices of John T. Orcutt

/s Edward C. Boltz

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Edward C. Boltz  
Attorney for the Defendant  
1738 Hillandale Road Suite D  
Durham, NC 27705  
telephone: (919) 286-1695  
fax: (919) 286-2704

### **CERTIFICATE OF SERVICE**

I, Koury L. Hicks, certify that service of the foregoing Answer to Complaint Objecting to Dischargeability of Indebtedness in this adversary proceeding, was made on 5/28/2010 by automatic electronic noticing or by U.S. mail upon the following parties:

Rayford K. Adams  
Higgins Benjamin Eagles & Adams  
Attorneys for Lisa Fritz  
101 West Friendly Avenue  
Suite 5090  
Greensboro, NC 27420-

Michael D. West  
Bankruptcy Administrator  
Post Office Box 1828  
Greensboro, NC 27402

John Northen  
Chapter 7 Trustee  
Post Office Box 2208  
Chapel Hill, NC 27514-2208

/s Koury L. Hicks

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Koury L. Hicks